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| EXAMINER | |
|---|---|
| SCHNURR, JOHN R | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/980,355 | BASSET, JEAN-CLAUDE | |
| | Examiner | Art Unit | |
| | JOHN SCHNURR | 2421 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *24 April 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date. _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/24/2009 has been entered.

**DETAILED ACTION**

1. Claims 1-19 are pending and have been examined.

***Response to Arguments***

2. Applicant's arguments filed 04/24/2009 have been fully considered but they are not persuasive.

In response to applicant's argument (Remarks/Arguments pgs. 7-9) that Killian (US 6,163,361) does not disclose "a processing module receiving, from a software application received from another medium, initialization and marking information from said other medium, relating at least to the start and to the end of a television program," the examiner respectfully disagrees. As discussed in the previous office action, dated 01/21/2009, Killian discloses an electronic program guide (EPG) 70 is downloaded from the Internet over link 14 (col. 8 lines 36-40). The EPG is analogous to the initialization and marking information as it contains all the information necessary to select, schedule and record viewing opportunities (col. 8 lines 53-56). Applicant argues suggest module 76 generates the initialization and marking information when the preferred schedule 110

is created and therefore said information is not received from another medium. However, the schedule 110 is not the initialization and marking information but merely a subset of the initialization and marking information received from the Internet in the form of EPG 70. Therefore, Killian meets the claim limitations of receiving initialization and marking information from another medium.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims **1-10, 12, 13 and 16-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Killian (US Patent 6,163,316)** in view of **Alexander et al. (US Patent 6,177,931)**, herein Alexander, and further in view of **Zigmond et al. (US Patent 6,571,392)**, herein Zigmond.

Consider **claim 1**, Killian clearly teaches digital-television receiver/decoder device of the type comprising:

an input interface receiving digital-television signals originating from a predetermined broadcast network and for delivering a digital stream of television signals; **(column 3 lines 50-58 and column 4 lines 20-23)**

a demultiplexer/extractor module suitable for extracting, from the digital stream, digital sequences relating to a chosen television program; **(Fig. 1: Tuner/decoder 24 receives the broadcast signal and outputs an audio/video signal to television 40, column 4 lines 20-38, therefore the system must have a demultiplexer.)**

> a decoder module converting the digital sequences thus extracted into television signals compatible with a visual-display module; **(Fig. 1: Tuner/decoder 24, column 4 lines 20-38)**
>
> a module for recording and playing digital sequences of digital-television programs; **(Fig. 1: Recorder 20)**
>
> a processing module receiving, from a software application received from another medium, **(Fig. 3: EPG 70 is obtained form the Internet over link 14, column 8 lines 36-56.)** initialization and marking information from said other medium, relating at least to the start and to the end of a television program, as well as to the reception/extraction of the digital sequences relating to said television program, causing the recording of the digital sequences relating to said television program as well as the initialization and marking information, in the record/replay module; **(EPG 70 contains information related to the airing of the program to be recorded, including start and end times, and instructs the recorder 20 to record the program, column 17 line 43 to column 18 line 2.)**

However, Killian does not explicitly teach comparing said initialization and marking information with the television digital stream originating from the demultiplexer/extractor module, said processing module in response to a positive comparison, for causing the recording of the digital sequences relating to said chosen television program in the record/replay module.

In an analogous art, Alexander, which discloses a system for recording broadcast content, clearly teaches comparing said initialization and marking information with the television digital stream originating from the demultiplexer/extractor module, said processing module in response to a positive comparison, for causing the recording of the digital sequences relating to said chosen television program in the record/replay module. **(column 11 lines 9-28; column 11 line 64 to column 12 line 9; column 12 lines 30-43)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Killian by comparing the actual broadcast data with the initialization and marking information to determine when to begin and end recording, as taught by Alexander, for the benefit of preventing the wrong program from being recorded (column 11 lines 9-28 Alexander).

However, Killian combined with Alexander does not explicitly teach an execution module, at the request of a user, for launching the playing of the digital sequences relating to said television program thus recorded, in synchronism with

the initialization and marking information, wherein said execution module further comprises a supplementary processing module for running software application further containing said initialization and marking information, the software application being run in synchronism and in interactive mode with the playing of the digital-television program thus recorded with the aid of said initialization and marking information.

In an analogous art, Zigmond, which discloses a system for recording broadcast content, clearly teaches an execution module, at the request of a user, for launching the playing of the digital sequences relating to said television program thus recorded, in synchronism with the initialization and marking information, wherein said execution module further comprises a supplementary processing module for running software application further containing said initialization and marking information, the software application being run in synchronism and in interactive mode with the playing of the digital-television program thus recorded with the aid of said initialization and marking information. **(The system plays back recorded video and interactive data in synchronization, column 9 line 54 to column 10 line 10.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Killian combined with Alexander by recording interactive data along with the video and playing back the video and interactive data in synchronization, as taught by Zigmond, for the benefit of viewing time shifted interactive content (column 4 lines 17-40 Zigmond).

Consider **claim 2**, Killian combined with Alexander and Zigmond, as in claim 1, clearly teaches the supplementary processing module consists of Internet processing means, intended to provide a link according to an Internet protocol IP, cooperating with memory-storage to store an Internet browser serving for Internet browsing, and in that the receiver/decoder device further comprises a communications module communicating with a remote server according to the Internet protocol. **(column 6 line 60 to column 7 line 7 Zigmond)**

Consider **claim 3**, Killian combined with Alexander and Zigmond, as in claim 1, clearly teaches the communications module downloads the software application originating from the remote server. **(column 8 lines 1-6 Zigmond)**

Consider **claim 4**, Killian combined with Alexander and Zigmond, as in claim 1, clearly teaches a media player able to read a data medium containing the software application. **(column 7 lines 25-28 Killian)**

Consider **claim 5**, Killian combined with Alexander and Zigmond, as in claim 1, clearly teaches means suitable for receiving the software application with the digital-television stream. **(column 5 lines 34-46 Zigmond)**

Consider **claim 6**, Killian combined with Alexander and Zigmond, as in claim 1, clearly teaches the execution module launches the playing of the digital sequences relating to the chosen television program and the running of the software application on the same visual-display module. **(Fig. 2: Display 202 shows video and additional information being displayed together, column 4 line 64 to column 5 line 3 Zigmond.)**

Consider **claim 7**, Killian combined with Alexander and Zigmond, as in claim 1, clearly teaches man/machine interface means, the actuation of which allows the user to interact simultaneously and in synchronism in the playing of the recorded television program and in the running of the predetermined software application. **(column 7 lines 47-54 Zigmond)**

Consider **claim 8**, Killian combined with Alexander and Zigmond, as in claim 1, clearly teaches the Internet processing means cooperates with the visual-display module as well as a man/machine interface means of the receiver/decoder device. **(Fig. 2: Display 202 shows video and additional information being displayed together, column 4 line 64 to column 5 line 3 Zigmond. Man/machine interface, column 7 lines 47-54 Zigmond.)**

Consider **claim 9**, Killian combined with Alexander and Zigmond, as in claim 1, clearly teaches the demultiplexer/extractor module extracts the initialization and marking information of the television program **(Fig. 1 VBI decoder 28, column 4 lines 29-35 Killian)** and sends the information to the Internet processing means to allow running of the predetermined software application in local mode and/or in cooperation with the remote server, in synchronism with the playing of the recorded television program. **(column 6 line 25 to column 7 line 7 Zigmond)**

Consider **claim 10**, Killian combined with Alexander and Zigmond, as in claim 1, clearly teaches the Internet processing means, in cooperation with the processing means of the receiver/decoder, drives the record/replay module. **(column 7 lines 8-35 Zigmond)**

Consider **claim 12**, Killian combined with Alexander and Zigmond, as in claim 1, clearly teaches an image-composition module suitable for receiving the video images output by the decoder module as well as a graphics images output by an Internet processing means, so as to combine them according to a chosen image-composition mode. **(Fig. 2: Display 202 shows video and additional information being displayed together, column 4 line 64 to column 5 line 3 Zigmond.)**

Consider **claim 13**, Killian combined with Alexander and Zigmond, as in claim 1, clearly teaches the image- composition mode is of overprint, multi-windowing, text, image-combining type. **(Fig. 2: Display 202 Zigmond)**

Consider **claim 16**, see claim 1.

Consider **claim 17**, Killian clearly teaches a microprocessor executing instruction stored on a memory **(column 3 lines 7-18)** to accomplish the process of claim 1, see the rejection of claim 1.

Consider **claim 18**, Killian combined with Alexander and Zigmond, as in claim 1, clearly teaches the software application is capable of being run on-line with a remote server. **(Killian teaches communications with a remote server, column 8 lines 36-56.)**

Consider **claim 19**, Killian combined with Alexander and Zigmond, as in claim 1, clearly teaches the computer readable medium is at least one of: a data medium, program memory, and distributed by downloading. **(column 3 lines 7-18 Killian)**

5. Claim **11** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Killian (US Patent 6,163,316)** in view of **Alexander et al. (US Patent 6,177,931)**, herein Alexander, and further in view of **Zigmond et al. (US Patent 6,571,392)**, as applied to claim 1 above, and further in view of **Ellis et al. (US Patent 6,665,869)**, herein Ellis.

Consider **claim 11**, Killian combined with Alexander and Zigmond, as in claim 1, clearly teaches Internet processing means.

However, Killian combined with Alexander and Zigmond does not explicitly teach the Internet processing means delivers, to the record/replay module, commands of the stop, pause, pause start, start, slow, fast forward, rewind, jump forward, jump back, type.

In an analogous art, Ellis, which discloses a system for receiving digital video, clearly teaches a set-top box (processing means) that controls recording and other features of a program using an infrared transmitter and receiver. The commands are given through a remote control, keyboard, mouse, touch-pad and other various devices **(Fig. 1: 34; Fig. 2: 30a, 30b, 30c, column 4 lines 46-51, column 4 line 66 to column 5 line 12 and column 5 lines 25-29)**.

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Killian combined with Alexander and Zigmond by including a controlling device used to deliver commands to the recording device, as taught by Ellis, for the benefit of controlling a set-top box, a videocassette recorder and a television (see column 4 lines 51-53 of Ellis).

6. Claims **14 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Killian (US Patent 6,163,316)** in view of **Alexander et al. (US Patent 6,177,931)**, herein Alexander, and further in view of **Zigmond et al. (US Patent 6,571,392)**, as applied to claim 1 above, and further in view of **Feinleib et al. (US Patent Application Publication 2005/0166257)**, herein Feinleib.

Consider **claim 14**, Killian combined with Alexander and Zigmond, as in claim 1, clearly teaches combining broadcast content and Internet content on a display.

However, Killian combined with Alexander and Zigmond, as in claim 1, does not explicitly teach:

a first memory containing the video images output by the decoder module;

a second memory containing the graphics information output by the Internet processing means;

a third memory containing an image-composition program;

image-processing means extracting the chosen information from the first and second memories depending on the composition program, so as to produce the composite images;

a module for synchronization of the visual-display module, to synchronize the composition of images output by the two memories.

In an analogous art, Feinleib, which discloses a system for synchronizing video content and interactive data, clearly teaches:

a first memory containing the video images output by the decoder module; **(Fig. 1: Storage device 16 Pierre)**
a second memory containing the graphics information output by the Internet processing means;

a third memory containing an image-composition program; **(Fig. 2: Program memory 56 is suitable for storing graphics information and an image-composition program Feinleib.)**

image-processing means extracting the chosen information from the first and second memories depending on the composition program, to produce the composite images; **([0013]-[0014] Feinleib)**

a module for synchronization of the visual-display module, to synchronize the composition of images output by the two memories. **([0077]-[0088] Feinleib)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Killian combined with Alexander and Zigmond by combining video and images, as taught by Feinleib, for the benefit of providing additional information with the video stream.

Consider **claim 15**, Killian combined with Alexander and Zigmond, as in claim 1, clearly teaches a digital television receiver/decoder device.

However, Killian combined with Alexander and Zigmond, as in claim 1, does not explicitly teach an interface of serial type and/or an interface of high-throughput link type so as to connect peripheral equipment of the printer, video camera system, audio suite or video peripheral type

In an analogous art, Feinleib, which discloses a system for synchronizing video content and interactive data, clearly teaches an interface of serial type and/or an interface of high-throughput link type so as to connect peripheral equipment of the printer, video camera system, audio suite or video peripheral type **(Fig. 2: Input devices 58, Display 60 and Stereo I/O 62)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Killian combined with Alexander and Zigmond by including an interface of serial type and/or an interface of high-throughput link type so as to connect peripheral equipment of the printer, video camera system, audio suite or video peripheral type, as taught by Feinleib, for the benefit of increasing the functionality of the device.

***Conclusion***

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the

grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN SCHNURR whose telephone number is (571)270-1458. The examiner can normally be reached on M-F 9a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

JRS